



CITY COUNCIL AGENDA REPORT

MEETING DATE: MARCH 6, 2007

ITEM NUMBER: _____

SUBJECT: ORDINANCE 07-03 OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, REZONING A 0.91-ACRE PROPERTY FROM C1 (LOCAL BUSINESS DISTRICT) TO PLANNED DEVELOPMENT RESIDENTIAL HIGH DENSITY (PDR-HD) AND INCLUDING A VARIANCE FROM MINIMUM LOT SIZE FOR PROPERTY LOCATED AT 2460/2472 NEWPORT BOULEVARD

DATE: FEBRUARY 22, 2007

FROM: DEVELOPMENT SERVICES DEPARTMENT/PLANNING DIVISION

PRESENTATION BY: DONALD D. LAMM, AICP, DEPUTY CITY MGR./DEV. SVS. DIRECTOR


FOR FURTHER INFORMATION CONTACT: CLAIRE L. FLYNN, AICP (714) 754-5278

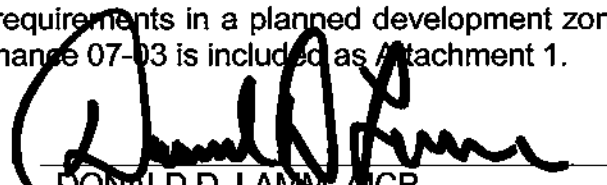
RECOMMENDATION:

Give second reading to Ordinance 07-03 rezoning property to PDR-HD and including a variance from minimum lot size for property located at 2462/2470 Newport Boulevard.

BACKGROUND:

On February 20, 2007, Council took action to approve a rezone and master plan for the "Lofts at Newport Mesa" residential condominium project. The Rezone Ordinance changes the zoning designation of the subject property from Local Business District (C1) to Planned Development Residential – High Density (PDR-HD). The ordinance also includes a variance from minimum lot size requirements in a planned development zone (1-acre required, 0.91-acre proposed). Ordinance 07-03 is included as Attachment 1.


CLAIRE L. FLYNN, AICP
Senior Planner


DONALD D. LAMM, AICP
Deputy City Mgr. – Dev. Svs. Director

ATTACHMENTS: 1 Ordinance 07-03

DISTRIBUTION: City Manager
Asst. City Manager
City Attorney
Deputy City Manager – Dev. Svs. Dir.
Public Services Director
City Clerk (2)
Staff (4)
File (2)

Johnny Lu
Three Lads Development, LLC
1992 Rosemary Place
Costa Mesa, CA 92627

Shawn Chang
Three Lads Development, LLC
1992 Rosemary Place
Costa Mesa, CA 92627

ORDINANCE NO. 07-03

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, REZONING A 0.91 ACRE PROPERTY FROM C1 (LOCAL BUSINESS DISTRICT) TO PLANNED DEVELOPMENT RESIDENTIAL HIGH DENSITY (PDR-HD) AND INCLUDING A VARIANCE FROM THE MINIMUM LOT SIZE REQUIREMENT FOR PROPERTY LOCATED AT 2460/2472 NEWPORT BOULEVARD

THE CITY COUNCIL OF THE CITY OF COSTA MESA DOES HEREBY ORDAIN AS FOLLOWS:

WHEREAS, the proposed Rezone R-06-04 is consistent with the General Plan, Zoning Code, and Newport Boulevard Specific Plan adopted in 1996. The rezone of the property from C1 to PDR-HD will meet the central objectives of the Newport Boulevard Specific Plan to allow a complementary mix of residential and commercial zoning along Newport Boulevard, unlike any other land use designation in the General Plan. Furthermore, the PDR-HD zoning is within the density limits of 17.4 units per acre allowed in the Newport Boulevard Specific Plan. The rezone to PDR-HD would result in a significant reduction in traffic compared to the maximum allowable commercial development in the current C1 designation;

WHEREAS, Rezone R-06-04 included an analysis of the interface and compatibility between residential and adjacent nonresidential uses which resulted in requirements for an 8-foot perimeter block wall and relocation of private open spaces areas in the central areas of the property.

WHEREAS, Rezone R-06-04 also included a variance from the minimum one-acre lot size required in the PDR-HD zone (one-acre required, 0.91-acre proposed). The combination of 2460 and 2472 Newport Boulevard properties results in a flag-shaped lot that would eliminate the need for an access easement and provide an opportunity for residential development on an odd-shaped property. The unusual shape of the newly-created flag lot exhibits unique physical conditions required for variance approval. Development potential on the flag lot will be limited, and would exclude ownership residential development as encouraged by the Newport Boulevard Specific Plan, unless special considerations are made due to the unusual shape and size of the lot.

SECTION 1. REZONE PETITION. The City of Costa Mesa Official Zoning Map is hereby amended as follows:

a. There are hereby placed and included in the Planned Development Residential-High Density (PDR-HD) zoning district 0.91 acre, identified as Assessor Parcel Numbers 439-281-13 and 439-281-16, and as described in attached Exhibit 1, situated in the City of Costa Mesa, County of Orange, State of California.

b. Pursuant to the provisions of Section 13-22 of the Costa Mesa Municipal Code, the Official Zoning Map of the City of Costa Mesa is hereby amended by the change of zone described in subsection a hereof and in the respective exhibit. A copy of the Official Zoning Map is on file in the office of the Planning Division.

SECTION 2. ENVIRONMENTAL DETERMINATION. The proposed rezone was processed in accordance with the requirements of the California Environmental Quality Act (CEQA), the State CEQA Guidelines, and the City of Costa Mesa Environmental Guidelines, and is considered an exempt activity under CEQA Guidelines Section 15332, Class 32, related to infill development.

SECTION 3. INCONSISTENCIES. Any provision of the Costa Mesa Municipal Code or appendices thereto inconsistent with the provisions of this Ordinance, to the extent of such inconsistencies and no further, is hereby repealed or modified to that extent necessary to affect the provisions of this Ordinance.

SECTION 4. SEVERABILITY. If any provision or clause of this ordinance or the application thereof to any person or circumstances is held to be unconstitutional or otherwise invalid by any court of competent jurisdiction, such invalidity shall not affect other provisions or clauses or applications of this ordinance which can be implemented without the invalid provision, clause or application; and to this end, the provisions of this ordinance are declared to be severable.

SECTION 5. PUBLICATION. This Ordinance shall take effect and be in full force thirty (30) days from and after the passage thereof, and, prior to the expiration of fifteen (15) days from its passage, shall be published once in the ORANGE COAST DAILY PILOT, a newspaper of general circulation, printed and published in the City of Costa Mesa or, in the alternative, the City Clerk may cause to be published a summary of this Ordinance and a certified copy of the text of this Ordinance shall be posted in the office of the City Clerk five (5) days prior to the date of adoption of this Ordinance, and within fifteen (15) days after adoption, the City Clerk shall cause to be published the aforementioned summary and shall post in the office of the City Clerk a certified copy of this Ordinance together with the names of the members of the City Council voting for and against the same.

PASSED AND ADOPTED this _____ day of _____ 2007.

Mayor of the City of Costa Mesa

ATTEST:

APPROVED AS TO FORM:

City Clerk of the City of Costa Mesa

City Attorney

STATE OF CALIFORNIA))ss
COUNTY OF ORANGE)

I, JULIE FOLCIK, Deputy City Clerk and ex-officio Clerk of the City Council of the City of Costa Mesa, hereby certify that the above foregoing Ordinance No. 07-___ as introduced and considered section by section at a regular meeting of said City Council held on the ___ day of ___, 2007, and thereafter passed and adopted as a whole at the regular meeting of said City Council held on the ___ day of ___, 2007, by the following roll call vote:

AYES:

NOES:

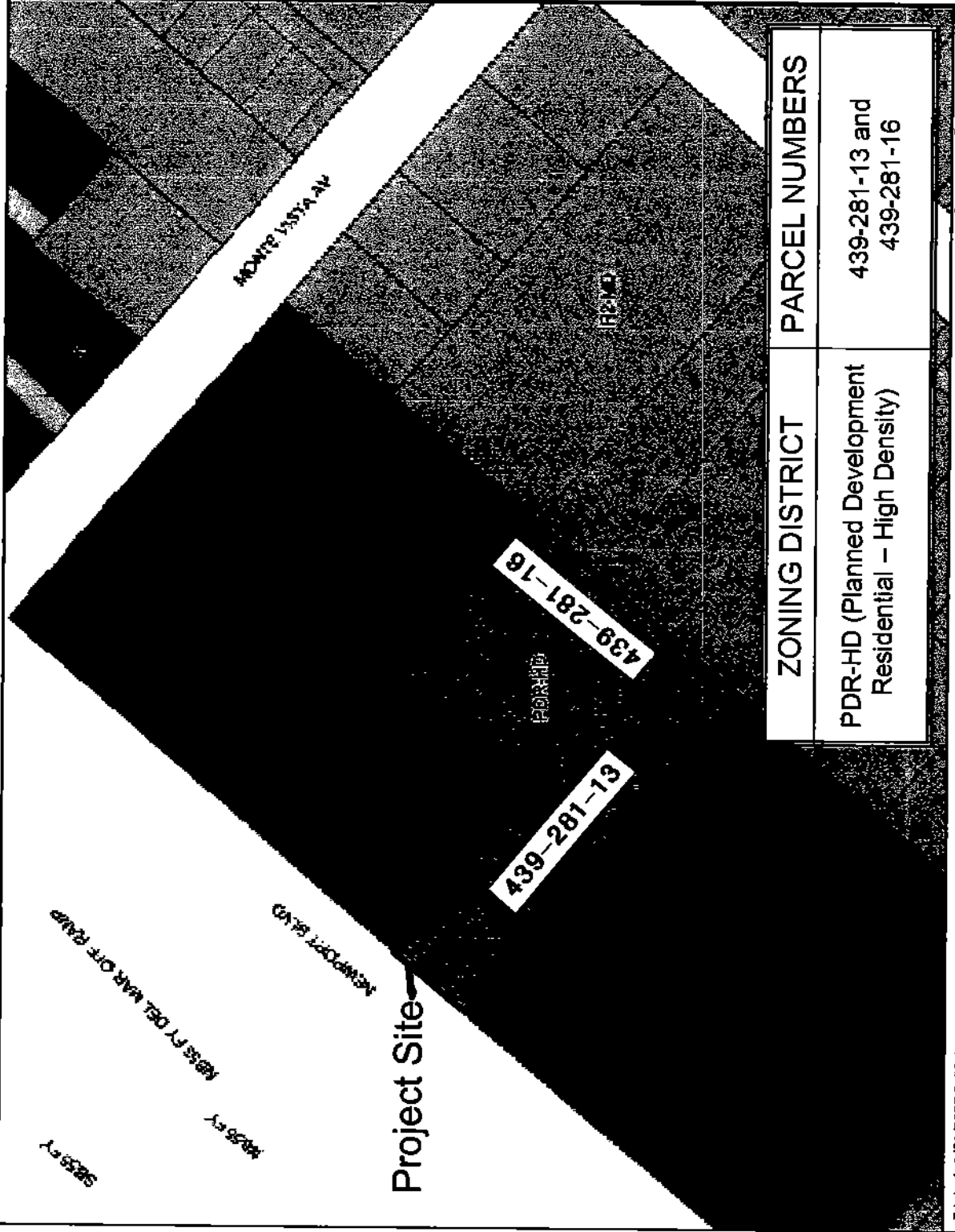
ABSENT:

IN WITNESS WHEREOF, I have hereby set my hand and affixed the Seal of the City of Costa Mesa this ____ day of _____, 2007.

City Clerk, City Council of the City of Costa Mesa

2460/2472 Newport Boulevard

Proposed Zone



ZONING DISTRICT	PARCEL NUMBERS
PDR-HD (Planned Development Residential – High Density)	439-281-13 and 439-281-16

Legend

- Street Names
- Parcel Lines
- City Boundary
- Zoning
 - AP
 - C1
 - C1-B
 - C2
 - CL
 - HA
 - HA-A
 - HA-B
 - HA-C
 - HA-D
 - HA-E
 - HA-F
 - HA-G
 - HA-H
 - HA-I
 - HA-J
 - HA-K
 - HA-L
 - HA-M
 - HA-N
 - HA-O
 - HA-P
 - HA-Q
 - HA-R
 - HA-S
 - HA-T
 - HA-U
 - HA-V
 - HA-W
 - HA-X
 - HA-Y
 - HA-Z
- Parcels



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EXHIBIT 1